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THE NEW REPUBLIC

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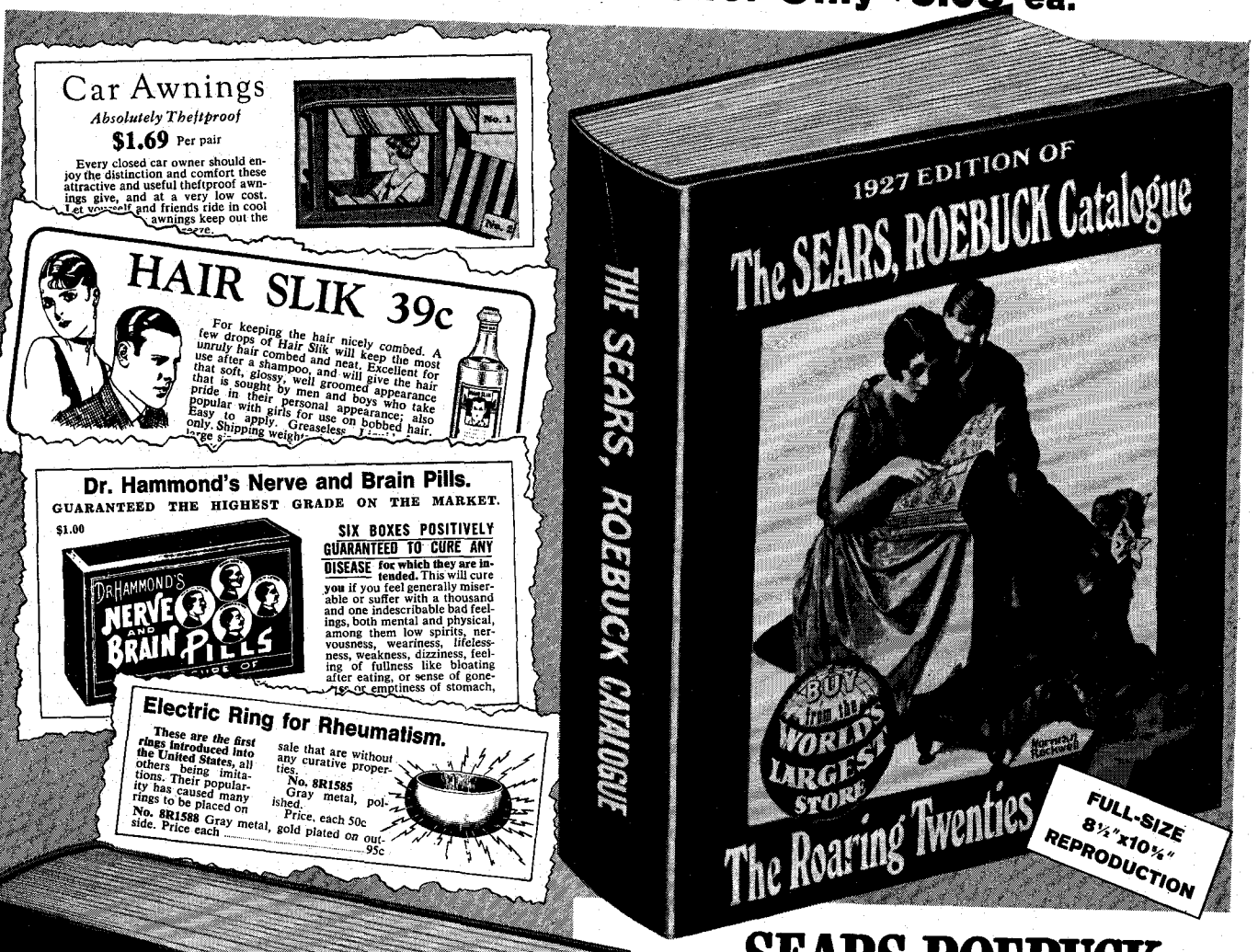
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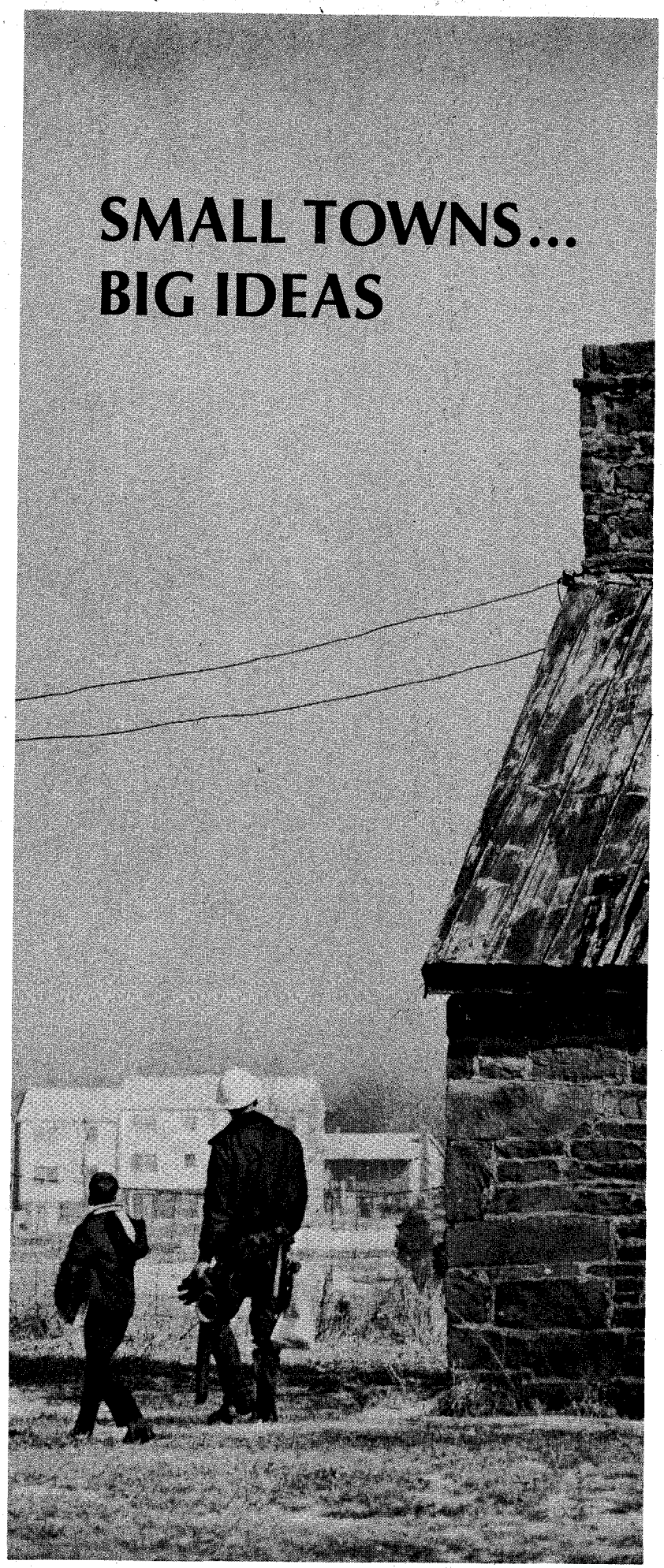

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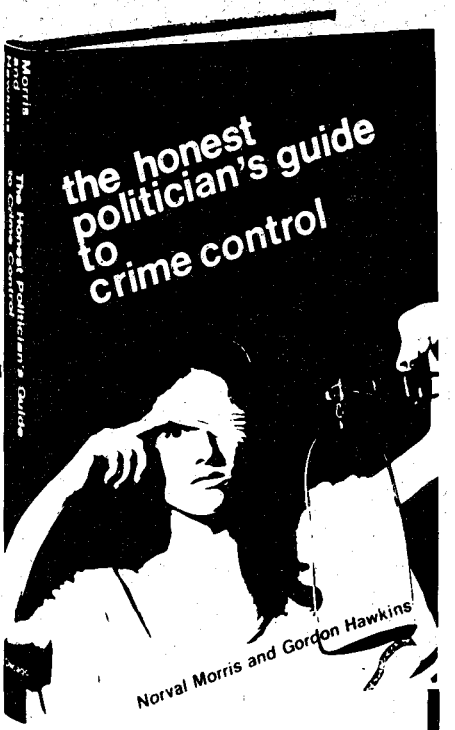

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Who Gets It?

It's a funny thing about taxes. "Taxes are what we pay for civilized society," Justice Holmes said. TRB kissed off his Form 1040 last week and wished it a pleasant journey. And got to wondering if any of it would get to Sunflower County, Miss.

There's a hunger problem in Sunflower County. "No fresh milk?" asked the investigator. "No, Sir." "No milk for the children?" "No, Sir." "Do they get milk? The small ones?" "No." "No milk at all?" "No . . .

"Ain't no one of them has milk every day. They lucky to have it twice a month. Sometimes they cry."

Lots of unemployment in Sunflower County. You see, the government, with my taxes, pays cotton producers not to grow cotton. Naturally that puts farmhands out of work.

It's a funny thing. There were six million US farms in 1940 and three million today, and yet the number of county agents has increased (6800 to 10,200). The Agriculture Department had a staff of only 84,000 to service 20-million people on farms 20 years ago; now there are half as many on farms, but the Department's rolls have grown to 125,000.

It's the money they handle, I suppose; $3.5 billion in farm payments last year. Paying people for not producing things. Oh, sure, it's valuable. It helps provide the most efficient farm industry in the world. Only the top 4 percent of all the three million farmers receive one-third of the total. We just continue to widen the gap between rich and poor.

Rep. Findley (R, Ill.), March 26, inserted in the *Congressional Record* the annual list of farmers receiving $25,000 in program payments (excluding wool and sugar) for 1969. There's no limitation on this type of payments – the more you don't grow the more you get. In 1969, 7795 payees got $367-million. Whew.

I wonder which one got the tax check I sent in? For a couple of years the House has voted to establish a $20,000 per farm limit on payments, but it's always been killed in conference. A USDA study some years ago said the $20,000 ceiling would do no harm to agriculture and would save maybe $300-million. The new 1970 farm bill comes up soon. The limitation will be tried again.

Scanning Rep. Findley's list, sure enough, I found an old friend. Sunflower County – "Eastland Plantations, Inc. . . . $146,792." Yes sirree, that's Jim Eastland – our Jim, who's chairman of the Senate Judiciary committee and member of the Agriculture committee. Last year he got $30,000 more than in 1968 for not growing cotton. Maybe my tax helped him a little with his subsidy. There, did I say "subsidy"? It's a legitimate payment – to help keep up the price of farm goods for consumers, and who would quarrel with *that*? It would be a *subsidy* to give milk to those damn children. (Sometimes they cry.)

"Judicial Restraint"

The most interesting man in Washington sits on the Supreme Court with a harness round his stocky torso to ease the discomfort of a sacroiliac condition. Sometimes he is in pain, sometimes he seeks a hospital. It is Warren Burger, Chief Justice, who presides over a Court that still has one vacancy. Carswell follows Haynsworth in self-inflicted White House wounds. No successive humiliation has occurred like this since Grover Cleveland. An Administration simply cannot continue such mistakes. Yet Mr. Nixon's strange psychic dependence on strong man John Mitchell, Attorney General, leaves Mr. Burger, so far, without reinforcements.

On almost every decision day his cautious conservatism comes through. Appointees often startle the men who name them. Teddy Roosevelt wouldn't shake hands with Holmes; said he could carve a stronger backbone out of a banana. Ike rubbed his eyes over Warren. Harlan Stone shocked Coolidge; Lincoln's appointees overruled him in the famous Legal Tender case. And so on. Mr. Burger, by contrast, is doing what his patron wanted.

"Over the bitter and solitary dissent of the Chief Justice," a news story began here last week, "the Supreme Court held that if a man is acquitted at one trial a state may not prosecute him again on substantially the same evidence."

In fact the CJ, in a 7-to-1 decision, blasted his colleagues for what he called "decision by slogan" . . . use of the "colorful and graphic phrase."

Earlier, he joined the minority in a 5-to-3 decision that welfare recipients may not have their payments stopped without formal hearing. He sharply criticized the majority for entering the case.

It was like old times! Short, husky, white-maned, moral, modest, kindly, dignified Warren Burger sat 12 years on the Court of Appeals and was goaded by liberals into increasingly biting dissents. "Nit-picking," "Disneyland" were his epithets; his strained relations were famous in legal circles. He made speeches criticizing the direction of the Warren Supreme Court. Now he is Chief Justice himself.

In recent weeks he has delivered a biting dissent on welfare recipients; on broadening the legal rights of juveniles; argued that a decision restricting draft boards went too far; argued against extending the one-man, one-vote doctrine to small elective agencies; argued that the Court should not have intervened to aid a Negro barred from community facilities. He is not always in a minority; the Court teeters 5-to-3 with Nixon reenforcements on the way; three more vacancies seem likely before long.

Legal scholars say a crucial skill for a CJ is ability to "mass the Court"; to create a common spirit with as much unanimity as possible from nine strong-willed justices. It has been in part a political task, from John Marshall through Taney and Taft and Hughes and others. Warren did this. Can Burger drop his acerbity?

Most laymen don't understand. The real issue is whether the Court will *duck* great issues, not whether it will decide them badly. Activists like Warren believe in stepping in if White House and Congress fail. Strict constructionists believe in staying out; "judicial restraint" it is called. Warren symbolizes one; Burger the other.

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Nixon and the Arms Race

The President's inaugural pledge to peace has yet to be redeemed in Southeast Asia. But in Vienna this week, he is given another chance to move away from the hazardous "era of confrontation" and toward an "era of negotiations" by the resumed US-Soviet talks on limiting strategic weapons. That opportunity could, however, be short-circuited right at the start by the Defense Department's plan to start attaching multiple warheads (MIRVs) to land-based missiles in June. The Pentagon is eager to press ahead, regardless of the Strategic Arms Limitation talks (SALT). If it is to be stopped, the red light will have to be flashed by the White House. And having done that, Mr. Nixon should tell the Russians he has ordered a postponement of deployment.

In June 1963 in a speech at American University, President Kennedy made history by announcing a decision which could serve Mr. Nixon as a precedent. Mr. Kennedy reminded his hearers that high-level discussions were shortly to begin in Moscow, looking toward early agreement on a treaty to ban the further testing of nuclear weapons. He then said: "To make clear our good faith and solemn convictions on the matter, I now declare that the United States does not propose to conduct nuclear tests in the atmosphere so long as other states do not do so. We will not be the first to resume. Such a declaration is no substitute for a formal binding treaty, but I hope it will help us achieve one." It did. Khrushchev responded with a speech of his own, accepting the principle of a test ban. The hard work of writing a specific agreement in the form of a treaty still had to be done, but there was never any doubt that there would be a treaty and that President Kennedy's initiative had achieved its purpose. If Mr. Nixon acts similarly, and announces that the United States will not be the first to deploy the new multiple warheads on nuclear missiles, he might have as favorable a psychological impact on Russian thinking, at a crucial juncture, as President Kennedy had on Khrushchev. If the Russians had failed to respond the way they did to Kennedy in the summer of 1963, no harm would have been done to this country's security. Likewise, if the Soviet Union in the months ahead is seen to be going ahead with its own new strategic weapons build-up, American MIRVs could still be deployed. The chances seem good, however, that the Russians will not brush aside a genuine gesture of good faith. Mr. Nixon can, if he chooses, put himself in the

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history books as the man who saw his chance to avert a new round of the nuclear arms race, and took it. He runs little if any risk, for it is practically impossible for the Soviet Union – or the United States – to cheat in the matter; in these days of spy satellites and other means of observing what goes on in each nation's backyard. Moscow knows that the Pentagon can't secretly deploy MIRVs that still require further flight testing – not without being found out, and not without inviting technical failures that could be fatal.

The opportunity to halt a runaway arms race, however, has a strict time limit. Once MIRVs are deployed by either side, both sides will push on with the multiplication of those and of other new superweapons. A more advantageous moment to halt the senseless piling up of weapons may not come in this decade. In the quarter century that we and the Russians have been desperately competing to achieve the unattainable goal of unchallengeable superiority in nuclear weapons, no one in authority has ever said clearly and simply, "We'll stop if you'll stop." Ordinary Americans and Russians have paid a very high price for that failure in leadership. In both countries, the people have been bemused by highly technical arguments about the risks of ceasing to amass those weapons, by the constant assertion that security is synonymous with ever larger and more sophisticated military systems. The result has been fantastic expenditures by both nations on arms, and no more security than each had at the start. Indeed, a good case can be made that both are less secure. In the six years since 1964, it is estimated that the world has spent one thousand billion dollars on arms, with the US and Russia accounting for almost all of it. Each is now capable of destroying the other, perhaps several times over; both have several times testified in public to the futility of it all.

Yet the arms race goes on and gets progressively costlier. The Nixon Administration wants more antiballistic missiles as well as MIRVs, bigger nuclear submarines, and so forth; this year's proposed $71 billion military budget is just a preview of horrors to come. The Russians do exactly the same. But it is precisely because the futility of this never-ending build-up has sunk in, that *Pravda* can warn its readers that failure to reach agreement in Vienna at the resumed SALT negotiations will turn the hands of the clock back to 1946, when the nuclear arms race began. This was as good as telling the Russian people that failure means they will have to tighten their belts for another 25 years of short rations, with productive efforts that otherwise would go into raising the standard of living going instead into the manufacture of more missiles, warheads and submarines. Since the Soviet people are thoroughly tired of deprivations, the *Pravda* article is an indication that the Soviet rulers are serious about wanting to reorder *their* priorities.

Timing, we repeat, is all-important, for both the US and the USSR are on the edge of another round of the arms race. An entire new generation of superweapons is about ready to be deployed. Stalemate at Vienna would mark the start of a further five or ten-year cycle of weapons development, the installation of vast antiballistic missiles system and the proliferation of offensive missiles, perhaps hydrogen bombs in perpetual orbit round the earth. That is why senators, scientists and the committee that Mr. Nixon himself appointed to advise on arms control have all recommended that he offer the Russians an immediate moratorium on further strategic weapons, and by so doing, as Senator Fulbright has said, "provide the negotiators in Vienna – both American and Soviet – with a chance to negotiate on firm ground instead of on shifting sand." If no immediate suspension is agreed to, the SALT talks have only the faintest prospect of success. The negotiators will find that even as they meet, new technological monsters are climbing into their laps and mocking what they say. That is almost sure to happen if President Nixon permits the Pentagon to proceed with the June deployment of MIRVs, as Air Force Secretary Robert C. Seamans Jr. declared last month was his intention. If, on the other hand, the deployment is held off, negotiators will have not only the time, but the atmosphere in which seriously to try for a long-term ban on all offensive and defensive missiles, multiple warheads and submarines capable of launching missiles.

The President told his news conference last June 19 that, "As for any unilateral stopping of tests on our part, I do not think that would be our interest." The testing of MIRVs therefore went on. But the President still retains the option of ordering postponement of their actual installation. It is his option precisely because he is President. The military, of course, don't want any postponement. It is their view – as expressed for instance by Air Force Chief of Staff General John D. Ryan – that Russia is "clearly seeking strategic nuclear superiority." But then, as Senator Fulbright revealed last week, the Air Force since 1964 has had plans for a "first strike" against the Soviet Union. Doubtless Russia too has its Ryans; but it is the business of Presidents and First Secretaries to rise above that level, in the general interest; and Mr. Nixon now has a splendid but fleeting opportunity to move his Soviet counterpart in the right direction, with virtually negligible risk to national security. To do it, by moving first, would be a hallmark of statesmanship. To refuse to take even so small a risk for so great a gain would belie Mr. Nixon's own assertion, in his foreign policy report to Congress, that "both sides have recognized a vital mutual interest in halting the dangerous momentum of the nuclear arms race." It's now or maybe never. If the President decides to act tough and tries to coerce the Russians by expanding ABM and deploying MIRVs, the race won't halt but accelerate.

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Massachusetts Protest

The Massachusetts "Anti-Vietnam" statute – which may become a model for other states – declares that no inhabitant of the Commonwealth who is in the military forces shall be required to serve outside the territorial limits of the United States in hostilities not initially authorized or subsequently ratified by a formal declaration of war. The statute commands the state attorney-general to bring an "original action" in the US Supreme Court in the name of the Commonwealth "to defend and enforce the right of such inhabitants" and, if the Court rejects such an action as not a proper "original action," to bring a similar action in an inferior federal court. The statute provides no other machinery of enforcement or sanction. Governor Sargent has cautioned against basing any great hopes on the statute and warned against its use as a defense for disobedience.

The Supreme Court has heretofore refused to entertain appeals involving the constitutional power to draft and dispatch troops abroad in aid of the undeclared war in Vietnam. It will have no difficulty in rejecting the proposed action by the State of Massachusetts. In the famous case of *Massachusetts v. Mellon* the Court held that a state has "no standing" to sue on a claim that federal action unconstitutionally affected its citizenry. The Court can, of course, find differences between that case and future cases, and reach a different result, if it chooses.

Meanwhile, what if anything does the statute do for the inductee about to be sent off to Vietnam? He can – as many have already unsuccessfully done – sue for a write of habeas corpus, challenging the constitutionality of the proposed action of the military. But the Massachusetts declaration would not appear to add anything to his case, since Massachusetts is powerless to control the disposition of federal military forces. What the statute does have and is meant to have, is the symbolic force of a weighty and considered protest.

Hot after Yarborough

Austin, Texas

Ralph Yarborough, one of the few Southern liberals left in the Senate, is a prime target of the GOP's "Southern strategy" this year. His opponent in the May 2 Texas Democratic primary is Lloyd Bentsen, a land, insurance and banking heir and magnate who for six years represented in Congress the lower Texas Valley and now runs an aggregation of financial concerns out of Houston. Former Governor John Connally helped talk his friend Bentsen into running and has publicly endorsed him. (Connally's sidekick, Robert Strauss, has just become the Democrats' national treasurer.) Should Bentsen become senator by beating Yarborough and then Republican George Bush in the fall, the conservative Texas combine of oil and other Southwestern economic interests would strengthen its grasp on the national Democratic Party.

Yarborough's survival in Texas politics is one of the natural wonders of the region. He is an exemplar of a tradition that includes the Sam Houston who gave up his governorship rather than favor secession, the Tom Nugent who led the angry Texas Populist movement, the John Reagan and Jim Hogg who regulated the politics-corrupting railroads of the 1890s.

Yarborough was provoked into running for governor in 1952 when the boss of the business-politics machine of that time, Governor Allan Shivers, told him he needn't bother running for attorney general, the candidate had already been chosen. Yarborough lost, but on the momentum from three losing but gathering campaigns, he coasted into the Senate. He has a personal following in every county that has not been matched in the last decade by any other Texas politician, including Lyndon Johnson.

Rapidly attuning himself in the 1950s to the urbanization of the state, Yarborough has been reliably pro-labor and pro-civil rights. Texas has not one, but two large ethnic minorities, the blacks and the *mexicanos*. Together they are a fourth of the total citizenry, and as black State Senator Barbara Jordon, one of Yarborough's three chairmen in Houston, said for the blacks the other night, their message to him is "Right on, brother, right on." The unions of course, will do all they can for the chairman of the Senate Labor and Public Welfare Committee.

There are more than four million registered voters in Texas this year, an all-time record that bodes well for Yarborough. At first, his people were overconfident. Bentsen's increasingly effective saturation television and radio campaign is taking care of that. Still, *The Houston Chronicle*, which has endorsed Bentsen (the pattern for the Texas dailies), reported on March 22 that its statewide poll showed Yarborough ahead of Bentsen, 54 to 46 percent – a margin of 144,000 in a projected turnout of 1.8 million voters.

The day before Bentsen announced, he resigned from the boards of Continental Oil, Panhandle Eastern, Trunkline Gas, Bank of the Southwest in Houston, and Lockheed Aircraft. He also sold his thousand shares of stock in Lockheed. He is still president of Lincoln Consolidated, "a Houston-based financial institution," but says he will resign if he is elected. Lincoln Consolidated owns five mutual funds, a savings association with total assets of $59 million, and Lincoln Liberty Life Insurance Co., which has assets of $76 million. According to *Standard and Poor*,

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Lincoln Liberty had a total income of $1.5 million in 1969, a net income of $765,982, and paid federal income tax of $32,000; in 1968, that source says, it paid no income tax at all on $629,479 income. Asked about these data by Kaye Northcott of the *Texas Observer*, Bentsen said that *S&P* is wrong, that the firm paid "substantially more" than that in 1969, but he did not have the facts handy just then. A House Banking Committee report in 1967, Miss Northcott learned, showed that Lincoln Liberty Life owned between 15.1 and 41.28 percent of the shares in each of six Texas banks, most of them in the lower Valley where the Bentsens made their fortune in land. The report pointed out that by keeping its percentage of bank stock-holding below 25 percent in all cases except one, Lincoln Liberty avoided subjecting itself to regulation under the Bank Holding Company Act. If, for instance, it had owned one more share of First National Bank in Edinburg, it would have had to divest itself of the bank or its insurance operation.

In 1950, shortly after the Korean War broke out, Rep. Bentsen rose on the House floor and advocated atomic bombing cities in North Korea if that country's troops did not retreat in one week. An advocate of big spending for a long-range strategic bombing force, he said on another occasion, "In terms of destructive power, what weapon can compare in economy with a heavy bomber carrying an atomic bomb?"

Bentsen so far has criticized Yarborough principally for having supported Eugene McCarthy in '68, and for his encouragement of the October 15 moratorium last year. A Bentsen March 13 press release charged that the "wave of protest bombings in New York City" was evidence that – as Bentsen is then quoted – "with their endorsement of the Vietnam moratorium and peace demonstrations," people like Eugene McCarthy, George McGovern, William O. Douglas, and Yarborough "have encouraged disobedience which has often led to criminal violence."

In his House years, Rep. Bentsen defended the wetback labor system, in which, as heir to a large land fortune in South Texas, he had a personal as well as a political interest. The wetbacks came over illegally from Mexico by the hundreds of thousands and worked in US fields for dirt wages. Bentsen opposed legislation to make it a felony for US farmers to hire the wetbacks, arguing that this would hurt native Mexican-American workers whom farmers would be afraid to hire because they couldn't tell them from wetbacks.

Bentsen said of the wetbacks, ". . . we pay from five to at least ten times more wages on this side of the Rio Grande than are paid to these same laborers in Mexico." Frankly, he said, he was glad there was not enough "local labor" to gather the crops at peak harvest times, for in that case "these same citizens would be unemployed throughout the rest of the year."

He has endorsed a $20,000 a year limit on crop subsidies to individual farmers, a limit which Yarborough has voted against. The ironies here defy encapsulation, since, in 1966 Bentsen received a federal subsidy of $152,352 for reducing production on his farm land in South Texas.

Bentsen emphasizes his comparative youth (48 to Yarborough's 66), calls for "a higher national priority to crime control," says Yarborough is "far to the left with George McGovern and Eugene McCarthy," opposes "forced busing of school children" (and says Yarborough has ducked votes on it), criticizes Yarborough's vote against Clement Haynsworth.

Texas Republicans would welcome a Bentsen victory, because they would then hope for a liberal revulsion from Bentsen similar to the one that elected Senator John Tower in 1961 over the Democrat, Braniff Airways executive "Cowboy Bill" Blakley.

Those who believe Yarborough will defeat the aloof Mr. Bentsen handily regard Bush as a more serious challenger. Affable and also young, Bush ran against Yarborough in 1964 and lost by 330,000 votes, but that was the year of the Johnson sweep while this is an off-year election with Nixon in power and the mood next fall unpredictable. Business would settle happily for either Bentsen or Bush.

Ronnie Dugger

COMING: a congressman asks why something isn't being done about disgraceful conditions in nursing homes

The Nixon Watch

Integrating Friends

Watching Mr. Nixon's people in their first efforts to make decent sense of his school desegregation policy proved to be interesting and informative. Having declared his intention to enforce the laws and court decrees that he clearly has to enforce, and to keep the scope of enforceable law on the subject to the minimum that the courts will permit, the President left to Vice President Agnew, HEW Secretary Finch, Attorney General Mitchell and numerous lesser subordinates the job of demonstrating just what he has in mind.

The initial demonstration was provided by Secretary Finch and J. Stanley Pottinger, the young California

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attorney who recently succeeded Leon Panetta, the fired director of HEW's Office for Civil Rights. That office is principally charged with enforcing Title VI of the Civil Rights Act of 1964, which forbids the federal government to support with federal funds any activity that discriminates against black and other minority Americans and, in particular, requires HEW to withhold federal money from any public school system that deliberately segregates black children and white children. The announced purpose of a press conference held by Finch and Pottinger was to explain how the Office for Civil Rights proposes to enforce Title VI from now on, insofar as it bears upon public schools. The true though unacknowledged purpose was to bury Title VI, insofar as it constitutes an immediate sanction against deliberate segregation in the public schools.

Finch and Pottinger did their job with considerable skill. Pottinger said in a prepared statement that his office regards the Nixon policy declaration of March 24 as "a clear mandate to bring into compliance all school districts that discriminate." Finch said that HEW hopes to double, from 1.2 million to 2.4 million, the number of black children in integrated Southern schools by next September. There was a lot of talk about monitoring the educational performance of Southern schools already in voluntary or enforced compliance with the requirements for integration. It was noted that "approximately 200 out of 4000 (Southern) school districts have not submitted voluntary desegregation plans or become subject to court ordered desegregation." But there was not a single reference, either volunteered or in response to questions, to the law's requirement that federal school funds be denied to holdout districts. In reading the prepared statement, Pottinger omitted its remarkably mild assertion that "it is the policy of our office to *prompt* [my emphasis] those schools which have been reluctant or unable to take their first meaningful steps toward compliance." The fact, not mentioned at the press conference, is that not one recommendation for the termination of federal funds for holdout districts has reached Secretary Finch for his approval since last July. Only two such recommendations are near the stage requiring his approval or disapproval, and no more than ten others are creeping toward him through the involved preliminary processes. Several factors, including a court requirement for more positive proof of deliberate discrimination than was necessary before last July, account for this state of affairs. But the main factor is the Administration preference, first dictated by Attorney General Mitchell and supported by Finch, for judicial rather than executive enforcement of school desegregation.

Finch made a great deal of his expressed hope that Congress will quickly allow the Office for Civil Rights to increase its staff from 401 to 545 and come up by this summer with the first half billion of the $1.5 billion that the President proposes to add in the next two fiscal years to previously budgeted educational funds. An embarrassment in connection with the requested money was not mentioned. Mr. Nixon's assistants have said that he intends to spend most of it to further desegregation rather than to improve the performance of "racially impacted" (meaning black) public schools. The latter use of the money would imply a readiness to settle for if not welcome the continuance of *de facto* segregation that the Administration is loath to confess. Nixon undertook to squeeze the first half billion from other projects to which it had been allocated in his 1971 budget, and the White House assistants looking for the money have found it for him. Two statutes, the Civil Rights Act and the Elementary and Secondary Education Act, provide ample authority to support and encourage desegregation with the money. But the use of federal funds for the benefit of schools in a condition of "racial isolation"—the term now preferred to "segregation"—may require new legislation, and how to ask Congress for it without admitting a purpose that the Administration does not care to admit was a problem yet to be solved.

Observant reporters at the Finch press conference noticed that he was singularly restless toward the end of it. This was because he was late for an unannounced meeting of the new Cabinet Committee on Education at the White House. Vice President Agnew heads the committee, and it is having its troubles. Its purpose is to make the degree of further integration that the law and courts require Mr. Nixon to impose upon the white South as palatable as possible to that region, which is hard to do without making the purpose uncomfortably clear. Agnew and others also were having trouble with the committee's correct name. The President, who began by terming it "a Cabinet-level working group," miscalled it the Cabinet Committee on School Desegregation in his March 24 statement. Robert C. Mardian, the California lawyer who has been HEW's General Counsel and is now the committee's executive director, sensed that a "Committee on School Desegregation" would not go down too well with Mr. Nixon's white Southern constituency and had a Presidential assistant announce, with emphasis, that it was to be the Cabinet Committee on Education. When Mardian and Agnew journeyed to Louisiana, on the first of a series of intended endeavors to convince Southern officialdom that the Administration is doing only what it absolutely has to do in the way of enforcing integration, and doing it with the utmost sympathy for the white South's problems, the Vice President persisted in referring to the Committee on School Desegregation.

Setting Agnew straight on this matter is the least of Robert Mardian's problems. He hopes, among other things, to recruit at least two respectable black Southerners, a lawyer and a public school official, for the committee staff on either a full-time or consultant

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basis. Fred Gray, a Montgomery attorney who is said at the White House to have represented black integrationists, agreed to visit Washington to discuss a possible association with the committee. A larger problem was just how to make known, to Deep South officialdom and to its community leaderships, black and white, the profound hope of the committee and of the Administration that influential Southerners will perceive the wisdom and desirability of voluntary rather than enforced integration of the remaining hard-core school districts and so (though nobody around Mr. Nixon says it) avoid the political harm that arbitrary measures would cause the Republican Party in the South. Mardian and the White House assistants with whom he is working first thought of firing off warm, explanatory letters to the Southern Governors. The absurdity of addressing such epistles to Lester Maddox of Georgia, John Bell Williams of Mississippi and Claude Kirk of Florida dawned on the Nixon strategists, however, and at this writing they are casting about for other means of regional communications. Kirk, one of the lower South's two Republican governors, pointed up the difficulty when he tried last week to displace the Manatee County (Tampa) school board and thwart a federal district court order for complete and immediate integration of the local schools, with increased busing among other steps. Although the Justice Department dutifully intervened against Kirk, at the request of the offended court, the President's spokesmen at the White House did their best to detach Nixon from the affair. The court action that Kirk opposed is of the sweeping and arbitrary kind that Nixon deplored in his policy statement, and the Administration will be happier than it is likely to acknowledge if the end result is a Supreme Court finding that court orders of that sort go farther than the Constitution and the law require.

Clark Reed, the wealthy Mississippi bean farmer who is the Republican Party's state and regional chairman, provided one alternative channel of communication at a meeting that he arranged in Washington with GOP chairmen and congressmen from Mississippi, Florida, and Arkansas, and the two Carolinas. Jerris Leonard, the Assistant Attorney General for civil rights, said afterward that he had made it clear to the assembled Republicans that the Administration will have to enforce integration where it remains unenforced if they don't sell their holdout districts on the values of voluntary compliance. But it was Mardian, not Leonard, who dominated the closed meeting and came across to the conferees as the Nixon man to see about integration from now on. Clark Reed said after he got back to Mississippi that it was a useful and moderately comforting occasion. It convinced him and the other Southern Republicans that in Mardian, Leonard and the President's other enforcers the South at last and at least has people that it can talk to and who will talk to it in a gentlemanly way. That it does.

John Osborne

A New Approach To Electoral College Reform

Voting for President

by Myron P. Curzan

With the reopening of hearings this week before the Senate Judiciary Committee and a parade of eminent witnesses testifying to the dangers of direct election of the President, electoral college reform revives as a political controversy.

James Wilson of Pennsylvania spoke for many of the delegates at the Constitutional Convention of 1787 when he reported that the Convention had been "perplexed with no part of this . . . [Constitution] as much as with the mode of choosing the President of the United States." He told his constituents that the Convention had debated many possibilities – including a direct popular vote plan – and had settled on the Electoral College as the most viable mechanism for electing this nation's Chief Executives.

Over the past century and a half, numerous proposals have been made to discard or alter the Electoral College, but none has managed to clear the hurdle of two-thirds approval in both Houses of Congress. By the end of 1969, however, it appeared that this long-standing log jam might be broken. Last September 18, the House of Representatives approved a constitutional amendment to abolish the Electoral College and replace it by a direct election system under which

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the candidate with the most popular votes would become President unless he failed to obtain 40 percent of the popular vote, in which case a runoff between the two top vote-getters would take place.

On September 30, President Nixon endorsed the direct election system – stating that he did so not because he favored it, but because he favored reform of the Electoral College and the Congress seemed most disposed to adopting the direct election system. On the Senate side, proponents of the direct election system began to press for a vote in the Judiciary Committee to clear their amendment. Senator Birch Bayh, the leading proponent of direct popular election, noted that his resolution had 40 cosigners and that he had promises of support from at least 26 other senators – ensuring the required two-thirds approval.

The opponents of the direct election system were strangely hushed. Numerous constitutional law scholars and political scientists who had opposed the direct election of the President seemed resigned. Minority group representatives were not actively lobbying for Senate opposition to the resolution. Even *The New Republic*, which had been one of the few voices speaking out against a direct popular election system, appeared discouraged at its inability to convince its own constituency of the problems involved in the adoption of a simple popular sovereignty plan.

But, beneath this quiet surface, signs of uneasiness were appearing in the Senate itself. Unusual combinations – liberal Democrats, moderate and conservative Republicans, Southern Democrats – were meeting to discuss the effects which the direct popular election plan might have on this country's political structure. By March, two senators, one a Democrat from Missouri and the other a Republican from Kansas, had decided that they should not only air their objections to the direct election plan, but also propose a new electoral plan which would avoid what they believed to be the dangers inherent in a direct popular election. On March 5, Senator Thomas Eagleton (D, Mo.) and Senator Robert Dole (R, Kan.) went to the Senate floor to introduce and to explain the Federal System Plan.

In order to evaluate the Eagleton-Dole proposal as an acceptable alternative to the direct popular election plan, the proper goals of electoral reform must be outlined. It is reasonable to expect that any electoral reform should ensure:

- the election of Presidents with broad mandates to govern from the people of the United States;
- an election process encouraging an effective party system and leading to the selection of broadly representative Presidential candidates;
- Presidential election campaigning on a nationwide basis, reaching the people of all the states; and
- an institutional framework producing orderly elections, neither subject to confusion and uncertainty nor productive of national disharmony.

As both Eagleton and Dole have pointed out, the direct election plan being considered by the Congress was deficient in meeting each of these objectives.

First, it did not ensure that a victorious candidate would necessarily have a broad mandate to govern. Under the direct election plan, it would be possible for a Presidential candidate to win only one or two states by large popular margins – while losing the remainder of the states by close margins – and still become President. Would this result, they asked, be any more acceptable in a federal system of 50 states than the possibility – under the present system – of the election of a candidate who had won the popular vote but lost in the electoral college? Their answer was "no."

Second, the direct election plan – with its 40 percent runoff qualification – would lead to a multiplicity of Presidential parties. To Senators Eagleton and Dole, the problem with the debates in both the House of Representatives and the Constitutional Amendments Subcommittee of the Senate Judiciary Committee had been that few members of Congress had absorbed the comments of election analysts like Richard Scammon or read the works of political scientists such as Maurice Duverger or V. O. Key, who had all described the inevitable proliferation of parties under a direct election system – especially one utilizing a runoff procedure. For once a runoff is possible, it becomes only too easy for people to vote their singular prejudices in the first round before they are forced to accept a compromise choice in the second round of voting. Under a direct election system, the prospect of parties advocating ideological issues – such as an end to gun control or the elimination of pupil busing – or parties structured around a particular charismatic figure is all too plausible. And Presidential races marked by a proliferation of parties and a bargaining process, either to avoid a runoff or during a runoff, pose the distinct possibility of not only seriously weakening the two-party system but of tearing apart the fabric of the society.

Third, both senators noted that the direct election system would not necessarily lead to nationwide campaigning, but rather could produce candidates seeking votes either in blocs of large states, where huge vote margins could be gathered, or in regions marked by smaller but more homogeneous states. The states which would lose out in a direct election plan would be small or middle-sized states in which effective two parties were already located. For in those states, Presidential candidates would be able to calculate the probable margin of either victory or defeat and discount that margin by victories obtained in other states where a voter turnout might produce larger popular plurali-

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ties. Campaigning would therefore be focused on only these latter states.

Finally, Eagleton and Dole found that the direct election plan was simply marred by too many mechanical difficulties. In effect, it was based upon an institutional framework which might only lead to chaos and confusion. There are over 160,000 voting precincts in the United States. Under a simple direct election plan, where the margin of Presidential victory may only be 100,000 or 200,000 votes (e.g., Kennedy-Nixon in 1960), the changeover of just one vote in perhaps half of the nation's precincts may lead to a different result. Even with machine-voting – let alone with hand-marked and hand-counted ballots – a possible distortion of one or two votes in every precinct is not unlikely. And what of problems of fraud, when these problems can no longer be isolated to one or two states but may have the effect of tainting an entire election? Moreover, how would a direct election system operate if the issue were whether the leading candidate had gotten 40.1 percent of the vote or 39.9 percent of the vote or if the race between the second and third candidates was so close that no one could pick the actual contestants in a runoff? For how long a period of time might recounts continue? And when would a runoff election take place? To complement these troubling questions about the mechanics of the system, the two Senators then added problems of disharmony which might arise under the direct election system. They noted that under any electoral plan, votes would still be counted by states. Quite succinctly, they asked whether people living in the states of New York, California, and Ohio might be willing to accept a close election in which candidate A's victories in all three of their states had been more than offset by the vote differential favoring candidate B in – let us say – the state of Alabama. In the judgment of both men, this question compelled a negative answer.

With these objections in mind and with the further caveat that a direct election system – even if it passed the Senate – could not obtain approval in three-fourths of the states, once its full impact had been clearly understood, Eagleton and Dole proceeded to introduce a new electoral formula – one which does not reject the direct election plan but combines it with a modified Electoral College system. Under the aptly named Federal System Plan, the mechanics would be as follows:

First, a President would be elected if he (1) won a plurality of the national vote *and* (2) won *either* pluralities in more than 50 percent of the states and the District of Columbia, *or* pluralities in states with 50 percent of the voters in the election. (Every President elected during this century would have qualified under one or the other of these criteria.)

Second, if the popular vote victor did not satisfy either of these criteria, the election would then go to an Electoral College where the states would be represented as they are today, and each candidate would *automatically receive* the electoral votes of the states he had won.

Third, in the unlikely event that no candidate received a majority of the electoral votes, the electoral votes of states which went for third-party candidates would be divided between the two leading national candidates in proportion to their share of the popular vote in those states. Redistribution would, of course, produce an electoral majority for one of the two leading candidates.

Under the four basic objectives sought for an effective electoral system, the Federal System Plan – as compared to the direct election system – seems to qualify. For under this hybrid plan, the goal of each of the major parties would be not only to win in the national popular vote but also to win in each state. Candidates would have to pay attention to the needs of all states – including small ones with strong two-party systems. The power of swing states and minority groups who live in them could be retained.

In addition, the potential influence of third or splinter parties to deadlock the electoral system would be eliminated by the redistribution technique. While a third party – threatening to split off from one of the two major parties – would still have effective potential for *denying* the candidate of that major party a victory, it would not be able to create a chaotic situation in which determination of a victor would be difficult or under which secret bargains could be struck for support in a runoff campaign.

Moreover, under the Federal System Plan, the electoral process would contain a factor dependent upon the total number of people voting in each state in that election. The salutary effect would be to encourage voting and to induce candidates to make their appeals broad enough so that high voter turnouts would be produced in all 50 states. And, by maintaining an electoral system in which the count of votes would take place on a state-by-state basis, voter recount problems and questions of fraud could be localized and not magnified to a national level.

Admittedly, the Federal System Plan has come late in the debate on electoral reform. But, the crucial issue is to make certain that this country does not adopt a concept in the name of electoral reform which poses even more difficulties than are caused by the system which it is meant to replace. In the months ahead, it is this nagging thought which will hopefully compel the country to focus on the direct election plan and on the substitute which these two freshman senators have proposed. The Federal System Plan may not be perfect. But, in a choice among imperfect alternatives, decisions must be grounded upon the benefits and detriments which each proposal offers. Thus considered, the Plan has vast advantages.

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You Can't Talk Inflation to Death

Jawboning's a Joke

by Edwin L. Dale, Jr.

There is a very widespread belief among persons of good sense and good will that some form of federal government, or Presidential, intervention in the process of private price-setting and wage-setting could make our inflation problem less severe. The issue is not wage and price controls, which are not backed by anyone with experience of the problem, but rather a wide variety of possible techniques aimed at bringing the "public interest" to bear on private decisions.

Two first-rate former chairmen of the Council of Economic Advisers, Arthur Okun and Walter Heller, trumpet the idea at every opportunity. Both Republican and Democratic members of the Congressional Joint Economic Committee have just embraced the principle, though their plans are very different. The Republican embrace has aroused particular interest because of apparent past philosophical opposition. This will be an effort to show that by whatever name it is called – "guideposts," jawboning, arm-twisting, exposure to the light of public opinion – government intervention into private price and wage decisions will smell as bad. It won't work, particularly in the prices that count for all of us in our daily lives.

But first, it is only fair to clarify the confusion created by one's opponents. A delightful vagueness surrounds this subject. Economists usually talk with some precision, though their ideas differ. Politicians seem to feel, mainly, just that the government should "do something."

The Democrats on the Joint Economic Committee (those who bothered to sign the report, which was not all) proposed, for example, an elaborate scheme including "quantitative standards for price and income changes" established by the Council of Economic Advisers and then a new Federal Productivity, Price and Incomes Office that would decide "the extent of compliance with the price and incomes standards set by the Council of Economic Advisers."

The Republicans had a different idea. No general "standards," no new federal office; instead, the Administration should "immediately announce the inflationary implications of unusually significant wage and price decisions." The Council of Economic Advisers should "calculate and make public how much each price increase adds to the wholesale or consumer price index, and indicate other prices which would be adversely affected by such an increase." And so on.

Okun has suggested some kind of federal "umpire" to call "foul balls." Heller has proposed a revived form of the old guideposts, which tried to keep wage increases within the bounds of the growth of productivity, though he now says a cost-of-living factor should be added. The one thing all the plans have in common is the effort to make private persons do something different from what they otherwise would have done.

Let us, as a starter, take up some real-world examples that have a lot more to do with the cost of living than the sort of thing these plans have in mind – say, whether the United States Steel Company raises the price of hot-rolled sheets.

► The Mothers of Mercy hospital in Peoria raises its rate for a room from $40 to $50 a day. Is the President's Council of Economic Advisers supposed to intervene?

► Fred Richards Auto Body Shop raises the charge for fixing a fender in Richmond from $20 to $30. Is President Nixon to call Fred Richards to the White House?

► The Permanent Trust savings and loan association of Denver raises its mortgage interest rate to 8½ percent from 8 percent. Will Mr. Okun, or Paul McCracken, his current counterpart, fly to Denver?

► The Maryland State insurance commissioner authorizes higher fire insurance premiums on homes because there are more fires and the cost of repairs has risen and the companies are losing money. Is the "Federal Productivity, Price and Incomes Office," as proposed by the Joint Economic Committee Democrats, supposed to haul the insurance commissioner before it?

► There is a freeze in Florida and the price of orange juice goes up, raising the month's consumer price index by one-tenth of one percent all by itself. Does the Attorney General bring an antitrust suit against the orange growers?

► The Washington Senators raise the price of seats to the ball game – also in the index. Does the President announce that he will go to no more ball games?

Mr. Dale *reports on economics for* The New York Times.

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► The New York subway, after years of a phony effort to keep down the fare by avoiding maintenance, finally raises the fare by 50 percent after a union settlement, and an effort at maintenance begins. Does the President tell John Lindsay he is a fink because he has raised the consumer price index for the nation, which he has?

► Eternal strikes in Chile and Zambia and a lack of transport in the Congo cause a chronic supply shortage in copper, and eventually the American producers raise their domestic "monopolistic" price to about three-fourths of the world price. Is the President to tell them they are naughty for not raising the price as much as they really should in order to "clear the market?"

► Joe's barber shop in Tucson, the best-known in town, raises the price of a haircut from $2 to $2.50, and the others follow. The cost of living of the citizens of Tucson, at least the male citizens, rises. Should Mr. McCracken let his hair grow?

We have all been hypnotized by the idea that the price of steel or chemicals or copper or sulphur or paper – and the bargained wage increases won by unions – are the "cause" of inflation, or at least the major cause. Heller and Okun have never fallen into this trap. They have always said that past mistakes in government fiscal (budget) and monetary policy were the real culprit in our inflation. But their continued belief that jawboning in various forms by the federal government can help, now that fiscal and monetary policy are on the right track, contributes to the hypnosis.

Okun, in a careful analysis that has won many converts in Congress, sought to show early this year that the sorts of prices that Presidents might be able to influence, and that President Johnson and his Council of Economic Advisers did influence, rose a good deal more in 1969 than in the preceding three years. Secretary of Labor Shultz, in an equally careful but almost entirely unnoticed paper presented to the Joint Economic Committee, has sought to show all the special factors involved in the various products that cast doubt on the Okun analysis. This is no place to go into the merits of either case. But the important point is that the most Okun could claim was that, if the Nixon Administration, the government, had used its power of persuasion or pressure or exposure to public opinion or whatever, the wholesale price index last year would have risen only by between one-half and one percentage point less than it did – *not* the consumer price index. And Okun made no claims at all about wages and unions. Nor did he mention the fact that in some of these supposedly "key" industries, like steel, profits were actually down last year despite the price increases, and the industries might have told the President, in a word, to go to hell.

Let us face it. "Incomes policies" – the broad term for voluntary guidance by government on supposedly "key" or "major" wage and price decisions – have been a flop in Europe. The policy is breaking down completely in Britain this year, but the pound remains strong, mainly because Britain's monetary and fiscal policies remain reasonable. In the United States we are, in fact, lucky: only a quarter of our labor force is unionized and a "wage explosion" is made very unlikely by our habit of long-term contracts. In this exceptional year of many major contracts, the 5 million workers involved amount to less than seven percent of the labor force. Heller and Okun and the Congressional advocates of various methods of inducing "restraint" might well say, thank God! For of course they have never been able to demonstrate a willingness on the part of unions, at a time of inflation, to show any restraint at all.

Is this what the preacher or politician would call a "counsel of despair?" The answer is yes. There is no point in expecting results that cannot be achieved. In addition, there is always some danger that the public will begin to believe that the wage increase of the auto workers or the price of copper "cause" inflation, if the President or the Council of Economic Advisers or some other government body is always fussing about them. While the analogy is not quite fair, President Johnson twisted steel, aluminum and sulphur arms to the tune of page-one headlines while the budget drifted quietly into the biggest deficit in history except for World War II. We had inflation as a result. The congressman who thinks Alcoa or Jersey Standard – or the Teamsters – causes inflation is the congressman who will vote for more spending and less taxes and will urge the Federal Reserve Board to pump up the money supply.

Alas, Herbert Stein of the present Council of Economic Advisers was surely right when he said in early April: "The basic premise upon which these policies (guideposts, etc.) rest is not easy to believe. People who want to raise their own prices and wages have not only a strong selfish interest in doing so; they almost always have a strong conviction that what they do is morally right and good for the country. We are asked to believe that people will suppress these interests on the basis of calculations made by some economists in Washington and appeals by the President without legal standards or sanctions."

The main case against this easy option of government "intervention" is, obviously, that it is very unlikely to work, despite an occasional temporary success in rolling back a given headline price increase for something like aluminum ingot. But all is not lost. Most of the prices that really affect us are not set by "big business" and "big labor." This country has had long periods of fairly stable prices when the government's fiscal and monetary policies prevented excess

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demand, or spending. The Mothers of Mercy in Peoria and Joe's barber shop in Tucson will not have to raise prices if the economy as a whole is not inflationary. To say that "monopolistic" situations in parts of industry and parts of the labor force exist is true; to say that they cause inflation, or that appeals to monopolists' better nature will significantly slow inflation, is a delusion.

Madness on the Grand Scale

It simply does not matter very much for the US, in cold, unadorned strategic terms, who rules the states of Indochina. Nor does it matter all that terribly to the inhabitants. At the risk of being accused of every sin from racism to Communism, I stress the irrelevance of ideology to poor and backward populations. Someday, perhaps, it will matter, in what one hopes will be a constructive and utilitarian way. But in the meantime, what earthly difference does it make to nomadic tribes or uneducated subsistence farmers, in Vietnam or Laos or the north of Thailand, whether they have a military dictator, a royal prince, or a socialist commissar in some distant capital that they have never seen and may never even have heard of?

At their current stage of underdevelopment these populations have more basic requirements. They need governments which will provide medical services and education, fertilizer, high-yield seeds and instruction in how to use them. They need governments which are honest enough to refrain from robbing and exploiting them, purposeful enough to want to modernize their societies, and efficient enough to have some ideas about how to do it. Whether such governments are capitalist or socialist can be of little interest to the people involved, or to anyone except their present rulers, whose perquisites are at stake, and their great power mentors, fretting in their distant capitals about ideology and "spheres of interest."

I am apprehensive of our ability to stay out of war in Laos and Cambodia as long as we remain at war in Vietnam. The issues in the three countries are inseparable. I do not see how we can get out of any of them except by means of political settlement applying to all of them. As they have shown by their advance in Laos, and as further developments in Cambodia may also demonstrate, the Communists are not going to confine the fight to a battlefield of our choosing and, as Secretary Rogers readily admitted, the initiative is theirs.

I do not know what more is needed to demonstrate the incongruity of the policy of Vietnamization. The Administration is trying to strike a "low posture" in the rest of Southeast Asia while preserving an American base in Vietnam, and the Communists are not allowing them to do it. They cannot drive us out of Indochina, but they can force upon us the choice of either plunging in altogether or getting out altogether.

It is this choice that the Nixon Administration has thus far refused to make. "Myth" is a mild word for madness on so grand a scale. Not only has the rationale for Vietnam proved unfounded; it has shown itself to be disastrously mistaken. Instead of deterring Communist intervention in Southeast Asia, American military involvement has turned out to be a powerful magnet for it.

We have one great liability and one great asset for negotiating a political settlement. The liability is our peculiar devotion to the Saigon dictators. Since they survive at our sufferance, the handicap could be removed by the simple expedient of putting Mr. Thieu and Mr. Ky on notice that they can either join us in negotiating a compromise peace or make some arrangement of their own. Of all the options open to the Thieu government, the only one we can and should remove is their present veto on American policy.

I have always been puzzled by our gratuitous tenderheartedness toward rightwing dictators who need us far more than we need them. It is one thing to tolerate such regimes, because it is not our business to be overthrowing foreign governments anyway. But in the case of such unsavory military dictatorships as those in Greece and South Vietnam, we have been much more than tolerant; we have aided and supported these regimes against their own internal enemies. I do not think this is done out of softheartedness – although our Embassy in Saigon has seemed extravagantly solicitous of Mr. Thieu, even to the extent that Ambassador Bunker has stanchly refused to intercede on behalf of Tran Ngoc Chau, the South Vietnamese deputy who was sentenced by a kangaroo court to 10 years at hard labor for maintaining contacts with his brother, a North Vietnamese agent – despite the fact that Chau reported these contacts to the CIA and the US Embassy.

It takes more than Realpolitik to explain such gratuitous friendliness toward rightwing dictators. I suspect that the explanation lies in that attitude of crusading anticommunism which has colored so much of American foreign policy over the years. The charm of the rightwing dictators has been their stanch anticommunism, and that appears to have been enough to compensate for such trivial defects as their despotism and corruption . . . If devotion to Thieu and Ky are the obstacle to a compromise political settlement, the asset we have is our remaining force of over 400,000 men in Vietnam – and our freedom to take them out. The Communists want them out, and it is supremely in our interests to get them out. That would seem a promising basis for doing business.

J. W. Fulbright
—on the floor of the United States Senate, April 2, 1970

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Stanley Kauffmann on films

Women in Love

(United Artists)

The Boys in the Band

(National General)

The number of times that fine fiction has been made into good film can almost be counted on your fingers; and you won't need another finger for *Women in Love.* Still, some of the cinematic elements are remarkable.

The screenplay is, inevitably, the least successful of those elements. It was written by the producer, Larry Kramer, and it sniffs out the "action" the way those French pigs are supposed to sniff out truffles. There are snatches of discussion left in the script, but the balance is in favor of dancing and lovemaking and swimming and sledding. Certainly all those things are in the book and certainly a film lives by motion, but the balance is quite different in the book, where the action exists for the sake of self-discovery and thought. The crucial chapter in the book, the conversation when Ursula goes alone to Birkin's house for tea, is reduced to a snippet, yet Kramer retains – unexplained – nutty old Mrs. Crich and her dogs. We get a syllabus tour of the novel until we arrive at the last section, in Switzerland, where a whole new picture seems to start and to go on at length, because the transformations in Gerald Crich and in Gudrun are even more difficult for Kramer than they were for Lawrence.

Gerald is played by Oliver Reed, one of the film's best choices. The character is an unsatisfying one, to begin with. Lawrence modeled this turbulent, idealistic, unconsciously homophile man at least partly on J. Middleton Murry (ironic because Lawrence presumably didn't know that Murry was having an affair with Mrs. L.), but the model was insufficient. Reed works hard and well to realize the part. He is growing as an actor. He carries himself with increasing seriousness, without the oily smug sexiness of his first firms, with an interest in inner complxitis and a growing ability to substantiate them.

But Alan Bates, as Birkin, is once again Alan Bates. The film's best chance for success lay in the casting of this role. The actor of Birkin might have supplied some complexity to compensate for the thinning of the original material in the script. Bates is a smooth silky actor with some schoolboy honesty and mild intelligence but no mystery and no conviction of pain. There is just one moment when he touches Birkin depths – at the *al fresco* luncheon where he eats a fresh fig and discourses about sexual parallels. Otherwise, just a pleasant young leading

Jennie Linden, an actress new to me, plays Ursula with wit and passion, and her film debut once again demonstrates the English miracle of producing young actresses in command of style. Glenda Jackson plays Gudrun, originally the younger sister, though that relation is not credible here. Miss Jackson is a very fine actress, but she will probably never be a box-office star because she is not interested in star "sympathy," either in the parts she chooses or the way she plays them. She is not an actress in order to be loved but in order to act. Her Gudrun catches the buried wildness, the appetite for self, of this New Woman. The costumes by Shirley Russell are wonderful, just sufficiently dramatic. The settings by Luciana Arrighi insist just sufficiently on their presence. And the color photography by Billy Williams is lush.

Overly lush, I think, in wheat fields and woods. The director, Ken Russell, was evidently out to make Nature "perform." The wheat fields are so golden, the pine-woods so healthy, that there are uncomfortable Beautiful reminders of *Elvira Madigan.* Russell is also nervous about "cinematizing": he throws in superfluous fancy dissolves, mirror shots, a sideways sequence, and other evidences of insecurity. A pity, because when he faces his material straight on, he shows talent for human revelation and for the camera motion dictated by it. The dance sequences – spoof Russian ballet and Dalcroze – are nicely handled, and the nude wrestling scene between Birkin and Gerald Crich is done with tact, stated but not exploited, so that it supplies the homophile element that disturbs, in differing ways, all four principals.

Lawrence's novel – whole-souled, often beautiful, sorely imperfect – is his largest inquiry into the opportunities and burdens of new freedom, with its men and women trying to understand more about love and sex and affinity. But it depends, for its continuing validity, on its moment in social and artistic history. It depends on its *form,* as a novel published in 1920, for that validity. It is as a 1920 novel that the freshness of it, such as it is, remains fresh. Restated, in someone else's new medium, the themes now seem somewhat dated. Even if it were possible to make a good film of a novel whose life is in its thought.

During the past year or so, I've noticed an odd phenomenon. A film comes along made from a play that won both the Pulitzer Prize and the Drama Critics Circle Prize – *The Subject Was Roses* – and at least some film critics question the merit of the original show. Films of the musical *Sweet Charity* and of the hit play *The Boys in the Band* then come along, and again some film critics question the merit of the originals. Some of that film dissent appears in the same journals where theater critics raved about the originals.

For me, this film dissent is welcome because, as a theater critic in various places, I was in the dissenting minority on all three original items. Several inferences can be drawn from the film critics' reaction, but I'll draw only one. At least some film critics feel they are dealing with a healthy medium, which needs all the rigor they can intelligently and fairly bring to it a medium which needs criticism, not coddling.

The Boys in the Band, as some film critics have now pointed out, was a quite conventional play: *Dangerous Corner* or any one of a dozen English or American plays about a houseparty that starts blandly and ends up with soul-baring – except that this time, instead of mixed couples, all the guests are, technically, male. Mart Crowley's play lacks the tight plotting of some other houseparty plays and depends on a series of vaudeville acts, each character getting at least one "bit." The play so blatantly runs out of steam that the last act falls back on that weariest of devices in party plays – the "truth" game. Crowley's dialogue is very with-it and some of his wisecracks are funny, but the play was a success because 1) homosexuals in the audience adored getting their "say" on stage at last; 2) heterosexuals could eavesdrop. But the insights in this play are as

(*Continued on page 28*)

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Alexander M. Bickel: The Good Guys Forever

Justice: The Crisis of Law, Order and Freedom in America by Richard Harris

(Dutton; $6.95)

Ramsey Clark, the third and last of the Attorneys General of the Kennedy-Johnson years, performed ably and honorably. There can be little doubt about that. During the 1968 campaign he was quite unfairly attacked, by Mr. Nixon himself, though not as roughly or insistently as other Cabinet officers – for example, Dean Acheson – have been attacked in other campaigns.

John Mitchell, the present Attorney General, has done a number of things that many thoughtful, reasonable, disinterested people think not only unwise, but wrong on principle, and dangerous in their tendency; and he has said even more. Mr. Mitchell's actions often stand in sharp contrast to Mr. Clark's. So do Mr. Mitchell's pronouncements, especially since Mr. Clark not only said remarkably little that was rash or otherwise questionable, but remarkably little altogether. All this being so, there is plainly an interesting and instructive book to be written about the transfer of power from Clark to Mitchell, and the rather different uses to which the two men put their power.

That book is yet to be written. It is not Richard Harris' book. Mr. Harris has produced an excited volume about Clark the Good (and Johnson, too), and Mitchell the Bad (and Nixon, too). The Fates – we are hardly ever allowed to know that they took the guise of the democratic electoral process – have removed the good Clark (and Johnson, too, but there is less emphasis on that). The evil Mitchell and Nixon are now in the ascendancy, and total, unredeemable catastrophe impends. We shall live unhappily ever after.

Unlike, I suspect, a majority of my countrymen, and unlike, as is quite evident, a majority of both the present and the immediately previous Congresses of the United States, I agree that most of the things Ramsey Clark did, and the few things he said, in addition to being decent and often courageous, were wise, and represented good policy for the short, middle, and long runs. It is too bad, as Mr. Harris proudly concedes, making a virtue of it, that Clark had little talent for generating public assent to his policies, which is rather a deficiency in a higher officer of a democratic government. But it has eventuated, largely through Mr. Harris' book, much of which first appeared in three installments in *The New Yorker*, that a humble avoidance of publicity has been the best publicity of all for Ramsey Clark. He has become something of a folk hero – among select folk, anyway – and it could not have happened to a nicer or worthier guy. I agree also that many of Mr. Mitchell's actions and many more of his pronouncements are unwise, bad policy. Holding these views – and I held them before reading Mr. Harris – I found his book most unjudicious and astonishingly partisan. I still hold the views that I came to the book with, but Mr. Harris has nearly succeeded in shaking, if not dislodging, them.

Mr. Harris is invincibly given to hyperbole, apocalyptic judgments, and postures of moral superiority on all manner of debatable points of law and social policy, large and small.

It is not enough for Mr. Harris that Ramsey Clark was an able Attorney General. He solemnly quotes an anonymous "official who worked under both Kennedy and Clark" as declaring "that Clark was the strongest and most able Attorney General in history." He quotes as well, with evident concurrence, another anonymous official as saying that "everyone" in the Department – which was certainly well-staffed, though not as brilliantly as a few years earlier under Robert Kennedy – "stands in awe of Ramsey's ability to take a law case or a legal problem and sort it out."

The apocalyptic visions abound. The Constitution is dead or moribund. Mr. Harris sounds for all the world like the late Justice James C. McReynolds, a pillar of the Supreme Court of the 1920s and early '30s, who, when the Court, as it seldom did, once upheld a New Deal measure, not only dissented, but pounded the bench shouting, the Constitution is dead. Domestic tyranny, unauthorized possible take-overs by generals in a riot situation – such things are just around the corner for Mr. Harris. The consequences of Mr. Nixon's accession to the Presidency are baldly likened to the dire results that would have followed for the Union if McClellan had defeated Lincoln in 1864.

As for the striking of righteous attitudes on debatable issues, Mr. Harris

Song From the Playing Fields of Dolores County

How could we know it then
That lithe, long-legged Alex
With the Valentino looks,
Who stole the ball at play,
Outrunning us away,
Would be, for kiting checks
And falsifying books,
The swindler of his day?

Somehow, each makes his mark:
One name will be in lights
For setting things to rights;
For setting things to wrongs,
Where only the dark belongs,
One name will star the dark.

Ernest Kroll

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has an all-purpose formula: Clark + Harris = the Constitution. That document, one gathers, leaves precious little leeway. A conservative Administration is simply unconstitutional. If Attorney General Mitchell toys with the idea of denying future parade permits to "activists" who pelted the President's inaugural motorcade, he is not contemplating a move of doubtful wisdom, which might in many circumstances create a serious constitutional problem; he is "either . . . unfamiliar with the Constitution or . . . prepared to ignore it." If Mitchell says that his Department is "an institution for law enforcement, not social improvement," he is not making a vacuous, spuriously hard-nosed remark; he is demonstrating "that the Preamble to the Constitution, with its promise to 'promote the general welfare,' was not uppermost in the Attorney General's mind." If he proposes to reexamine some aspects of the problem of the races in the public schools, and raises issues that are by no means foreclosed in applicable Supreme Court decisions, he is not just wrong; he is ignoring the single relevant question: "Was the federal government going to enforce and obey federal law?"

There is little if any room for legitimate differences of opinion in Mr. Harris' universe, little if any room for a new Administration with a new political mandate to turn around in. And there are no motives even remotely comparable in purity to his own and Ramsey Clark's. When Ramsey Clark prosecuted Dr. Spock, the Reverend Mr. Coffin, and three others for a conspiracy to counsel and aid young men to evade the draft, Dr. Spock's very prominence showed that the prosecution was not politically motivated. A politically minded Attorney General might have picked somebody more obscure. So the argument runs, although it seems equally persuasive to assert that a politically minded Attorney General would not have picked somebody more obscure. In any event, the prosecution was constitutionally very dubious to begin with, and has proved so. But Mr. Harris accepts the explanation that Clark had a duty to prosecute, else the law would have become "shapeless" – whatever that may mean in this context; the word is a favorite of Clark's, used also in a different connection elsewhere in the book. But if Attorney General Mitchell prosecutes the Chicago Seven – a bad mistake, one may well think – or concentrates prosecutorial energies against organized crime, he is making purely political moves. Again an all-purpose rule applies: if it's bad, it's politics; if it's questionable, it's also politics, unless Clark did it, in which event it is just constitutional.

Politics in general is a terrible curse, and the Nixon Administration appears to have invented it. President Nixon's use of Mr. Mitchell in a general advisory role is pure politics, and holds out catastrophic prospects for the mission of justice. But Robert Kennedy ranged at least as far in his brother's Administration. The Attorney General is a Cabinet member answerable to the President, and he is inevitably a political officer. There is more political experience among the assistants Mr. Mitchell brought into the Department of Justice than there was among Robert Kennedy's, Nicholas Katzenbach's and Ramsey Clark's subordinates, and perhaps less professional distinction. But it may be recalled that Robert Kennedy's deputy, Byron White, now Mr. Justice White, had had a very active role in John F. Kennedy's campaign in 1960. Mr. Mitchell's removal of Robert Morgenthau as U.S. Attorney in New York and replacement of him with a well-qualified Republican was a political act, no doubt, but no more so than Mr. Nixon's removal of Ramsey Clark himself and his replacement with John Mitchell. This sort of act is rather en-

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demic to the politics of a democracy. Mr. Morgenthau, in the course of his long tenure as US Attorney, once resigned his office to run for governor of New York, and having failed of election, was reappointed. That was a political act, and if anything, one of somewhat more questionable propriety.

It bears repeating that Ramsey Clark *was* an excellent Attorney General, that he was indeed, in many ways, an unsung hero. He deserves a better book than this. It is equally true that Mr. Nixon's campaign on the crime issue was not conducted on a high level, and that his Attorney General's approach to the crime problem, which is real and serious, gives rise – as notably in the preventive detention proposal, and in the breath-taking assertion of executive wiretapping authority in cases touching national security – to serious problems and dangers of its own. Those dangers, however, will not be averted by the intemperate rhetoric of this book.

Charles Thomas Samuels: What Hath Dickey Delivered?

Deliverance
by James Dickey

(Houghton Mifflin; $5.95)

A particularly wild stretch of Georgia's Cahulawassee River Valley will soon be dammed over by civilization. Themselves figurative victims of an analogous process, four solid citizens determine to navigate the river while it remains fierce. Two of the group are ordinary types: a nice-guy soft-drink executive and a mutual funds salesman, notable only for his querulous manner and portentous name (Bobby Trippe). The narrator – an everyman? – is Ed Gentry. The adventure's instigator, Lewis Medlock, true to his cognomen, mixes the others in a struggle.

Sportsman, weight-lifter, seeker after risks, Medlock believes that modern life softens men and that tempering can be achieved only by a threat to survival. *Deliverance* is a compendium of threats. Getting their two canoes down to the river is hard enough, what with a disappearing road and a sinister band of country attendants. Once afloat, the men come upon the refuse of a chicken-processing plant: a head peering through blind eyes. The sun scorches; the canoe seats cut their flesh. Settling down for the night, Gentry sees a horned claw enter a hole in his tent. False alarm: it is only an owl. But when he and Trippe pull over to the side next day, two mountaineers waylay them, tie the narrator to a tree, sodomize his buddy, and spare him only because Medlock intrudes, killing one assailant with an arrow.

This is only the beginning. Fearing a trial by city-hating hicks, Medlock persuades the others to bury their victim, especially since the partner has, he believes, lit out for the territory. Burial accomplished, they retake their canoes, but the soft-drink man is hit in the head and drowns, both canoes capsize, Lewis's leg is shattered in the rapids, and when the survivors reach dry land they discover that the missing rapist is gunning them from his sanctuary on a cliff above. At night, exhausted and terrified, Gentry must scale the cliff, hide in a tree, and drop the hillbilly before he drops them. This he accomplishes, but he also manages to fall on his own arrowhead, ripping open his side. Rapids and rocks remain, but these are clearly small potatoes now. Our heroes reach the town at river's-end and manage, by dint of lying, to get away with two murders committed in the wilderness. As the book ends, the narrator reads in a newspaper about completion of the dam—and thus burial of the evidence.

Though you may not believe it from my summary, *Deliverance* isn't just a

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tall tale, something of a cross between "Heart of Darkness" and "The Notorious Jumping Frog of Calveras County." Such is Dickey's linguistic virtuosity that he totally realizes an improbable plot. How a man acts when shot by an arrow, what it feels like to scale a cliff or to capsize, the ironic psychology of fear: these things are conveyed with such precision that the book will probably defeat the moviemen who immediately bought it, for when the remarkable descriptive writing is siphoned off what remains may prove as inhuman and almost as mute as a rocky riverbed.

Dickey himself seems aware of the harshness of his substructure and the absurdity of some of his details. In the latter connection, whenever his guignol gets too grand, he compares the action to a film. The cliff wall is described as "a gigantic drive-in movie screen waiting for an epic film to begin"; and as the plot rushes forward, characters increasingly remind themselves that they are talking like celluloid desperadoes. By so candidly admitting the excesses of his invention, Dickey forestalls laughter; his publishers are right to call *Deliverance* a *tour de force.*

But are they also right to call it a "tale of violent adventure and inner discovery," and is Dickey so unequivocal about his meaning as he is deliberate about his tone? What exactly is discovered? That, as he averred in a *Times* interview, savagery "could turn you into a counter-monster"? This seems the likeliest explanation, but it does take us boringly back to "Heart of Darkness," since which it has become a cliché. Moreover, though the plot seems to demonstrate that civilized man can be coarsened in the wilderness, the prose frequently celebrates the freedom and authenticity of a wild life.

This ambivalence toward animalism can be inferred from Dickey's verse (see, for examples, "Encounter in the Cage Country" and "Springer Mountain"). The very poem which contains the germ of *Deliverance,* "On the Coosawattee," (its characters including one Lucas Gentry, a dedicatee of the novel, and the chicken head) exhibits also a marked ambivalence, echoed in the book, toward surviving the river.

The novel is prefaced by two epigraphs seemingly in support of a cautionary theme, but even they, on close inspection, fail to help. What is the "insufficiency . . . at the base of human life" that Georges Bataille alludes to, and what is its relevance to this tale of triumph? Does Dickey mean that human triumph is morally insufficient? If so, how can he expect to make this point when he has scarcely humanized the victims but has bent his whole talent toward making us want the protagonists to prevail? His other epigraph from the biblical prophecy of Obadiah is similarly puzzling:

> The pride of thine heart hath deceived thee,
> thou that dwelleth in the clefts of the rock,
> whose habitation is high; that saith in his heart,
> Who shall bring me down to the ground?

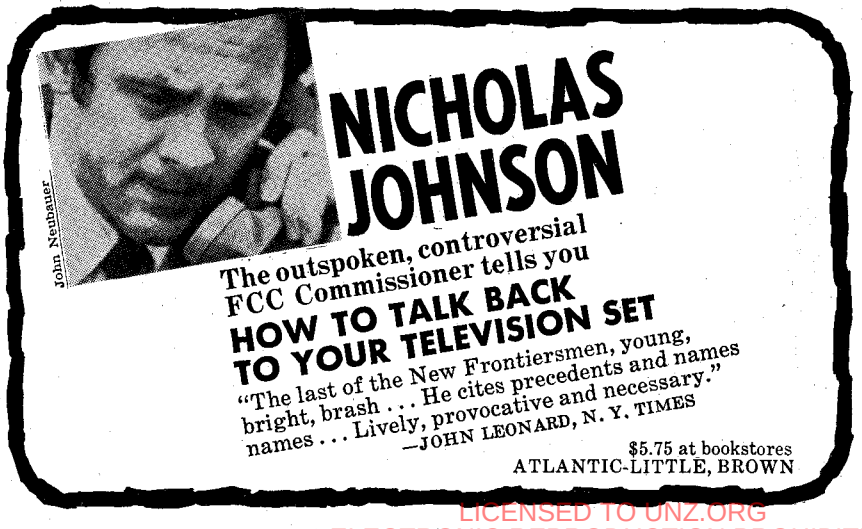
To augment Dickey's announced theme, the cliff dweller must be Gentry, who, proud of his prowess, kills another man and then must suffer moral consequences. But the epigraph more logically refers to the murdered mountaineer, who is permanently a cliff-dweller. In the Bible, Obadiah's prophecy is delivered to the Edomites, who are being expelled from their land for cruelties toward the Israelites, just as the hillbillies are being expelled from their land to make way for the dam. But this doesn't work because the novel strongly suggests that expelling the mountaineers is itself cruel; would God support the exhuming of bodies to reposition a grave displaced by the dam and would he sanction the building of marinas and resorts where wild magnificence once held sway?

Deliverance has both the precision of detail and elusiveness of meaning we associate with a dream. We can see every boulder, every sapling and twig, but we cannot tell what they all mean: whether the voyagers triumph over evil by recontacting their animal vigor (though this makes them – animalistically – amoral) or whether they become "counter-monsters" when faced by monstrosity (though they also get awfully good at things like cliff-climbing).

Like a dream too, *Deliverance* suggests a hidden set of meanings, which makes the issue of animalism vs. civilization seem the censored rationalization of something more painful. Is it this hidden meaning that makes the book so compelling in its horror, despite the latent absurdity? Whatever its contribution, this meaning suggests not Conrad's "Heart of Darkness" but Mailer's *Why Are We in Vietnam?,* in which a similarly animalistic adventure reaches its climax when one male participant tries to make love to the other.

As Medlock emerges after shooting the rapist, he makes what I find an astonishing statement: "I couldn't tell what was going on at first, though I thought it was probably what it was." Now, perhaps I reveal tenderfoot ignorance of the ways of rural Georgians, but I should have thought that a desire for sodomy was hardly the first intention one would ascribe to mountainmen ambushing city-dwellers they are known to hate. Why does Lewis jump to this conclusion? Why indeed does Dickey hang his entire novel on so bizarre an act? It must be to start the chain of events from which, as the dust jacket says, the narrator must "achieve deliverance"; but in fact, the title in the novel emerges from a wholly different context.

Gentry is an ad-man. Before the trip begins he is seen at his office where a model is posing for a Kitt'n Britches lingerie ad. Out of a sense of humor appropriate to ad-men and lingerie manufacturers, a cat's service has been procured, and in the picture the model is to stroke it. Before she takes up the animal, the narrator is struck by a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golden glint in her eye. When his admiration lowers to her left breast, he feels a sexual thrill, "as if something had touched me in the prostate." This peculiar reaction to pleasure is recalled immediately before Gentry leaves home, when at 6 A.M. his wife, fearful that he is going away because of her, asks, "'Is it my fault?'" He replies "'Lord no,'" but thinks, "it partly was, just as it's any woman's fault who represents normalcy." Reacting to his unspoken admission and his subsequent request for intercourse, she invites him to enter her from behind, as he muses:

> The girl from the studio threw back her hair and clasped her breast, and in the center of Martha's heaving and expertly working back, the gold eye shone, not with the practicality of sex, so necessary to its survival, but the promise of it that promised other things, another life, deliverance.

So it is sex that offers deliverance, but the narrator doesn't proceed to an affair with his golden girl; he goes off with the boys into the wilderness.

And the trip does, initially, seem like the post-adolescent boy-scout escapade well known to American fiction, both serious and folk. Lewis, for whom Gentry feels a strong affinity, asserts that he had his first wet dream in a sleeping bag and that the experience was inimitable. Barely four pages before the sodomy scene, the men go skinny-dipping and Gentry is dazzled by the perfection of his friend's body: "Everything he had done for himself for years paid off as he stood there in his tracks, in the water. I could tell by the way he glanced at me; the payoff was in my eyes."

But the ante is too high, and, as in such dreams, it must be paid by someone who can afford it. Thus it is Bobby who submits to a homosexual act, from which Gentry is spared when Lewis kills the would-be assailant. However, when Gentry must later strip off Lewis's pants, to tend to his shattered leg, he performs the act as it were by proxy, explicitly comparing it to stripping Bobby before the attack (p. 148). Eventually, his contempt for his stand-in becomes boundless; at one point he even thinks of killing Trippe.

Toward the man he does kill, the mountaineer, he also feels notable emotions. Above him in the tree, Gentry recalls that "if Lewis had not shot his companion, he and I would have made a kind of love, painful and terri-

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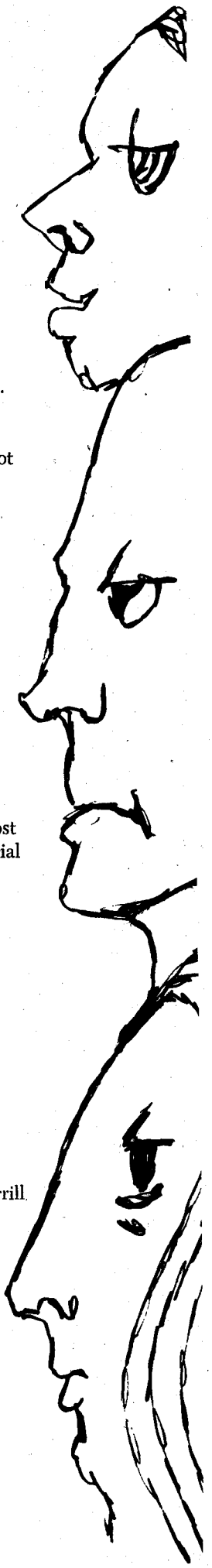

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fying to me, in some dreadful way pleasurable to him, but we would have been together in the flesh, there on the floor of the woods, and it was strange to think of it." When he kills the mountaineer, he experiences an odd sense of license: "I can cut off the genitals he was going to use on me. Or I can cut off his head, looking straight into his open eyes. Or I can eat him. I can do anything I have a wish to do, and I waited carefully for some wish to come. . . ."

But it doesn't, perhaps because Gentry cannot sort out his feelings toward the sex-act intended in the forest anymore than he can sort out his admiration for Lewis' courage from his desire for his body. Instead, he escapes the dilemma by passing over it. Unable to merge physically with Lewis, he exchanges roles with him. After seeing him naked, Gentry lapses into an embarrassing masculine counterpart of lover's baby-talk, referring to Lewis as Tarzan. At the end of the novel, the Sheriff on the case, impressed by Gentry's super-Medlockism, asks in rough admiration: " 'You damned fucking ape. . . . Who on earth was your father, boy?' " And the reply comes: " 'Tarzan.' "

Is this reading correct? One can't be sure, because it is neither consciously discovered nor declared by the narrator. Perhaps Dickey intended that the narrator not know and that his failure to know be involved with the epigraph's "basic insufficiency." Or perhaps the narrator doesn't discover latent homosexuality and symbolic transference because these are accidents of plotting and phrasing and not essentials of the novel's purpose. Whichever is the case, *Deliverance* is exciting both for what Gentry suffers and for what he might have suffered were it not suppressed.

Mary Moody Emerson R. I. P.

Ralph Waldo's Aunt Mary,
moody as all get out, got herself
rigged out in a shroud and rode
through Concord on a donkey
"to get herself in the habit of the

tomb." Ralph Waldo, though she
wore her cerements daily ever
after, reckoned her beast of
burden was more symbolic
than her garb. If he could transcend Calvin

concordantly, why not
she? Ceremonies of innocence
and hope lay everywhere be-
fore her grave step, were she but
to look: "There grows the merry grass." *But what*

makes it so green? "On the
village square a concourse of elms praises
the good Lord." *In their shadow*
the moss grows. "All are Elect!"
Then why so few who can see? Ralph Waldo

shrugged and put down to whim this
relative moodiness. When they put
her down at last in her life-
long weeds, Ralph Waldo blessed her
blind eyes as, no doubt, Aunt Mary blessed his.

LEWIS TURCO

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Reed Whittemore: Tough Martyr

Being Busted
by Leslie A. Fiedler

(Stein & Day; $5.95)

Leslie Fiedler was reading Thoreau at the age of twelve, Marx at thirteen. At sixteen he was demonstrating, with a friend of his, some of his knowledge on a soapbox in Newark, when the police arrived. His friend was caught; Fiedler ran.

The next time the cops didn't get Fiedler was during World War II. Fiedler had joined the Navy, and was all lined up for officer training in intelligence. His clearance, however, was a long time coming through, and he assumed the authorities had looked into his dark past in Newark and discovered him subversive. Then the papers did come through, and for the second time Fiedler found himself, despite himself, an honest man.

After war and graduate work he went to teach at the University of Montana. There his problem was not with the police but other authorities, particularly the president of the college. He denounced the president and found that, far from being fired, he was soon head of a group of denouncers, including a few members of the board of trustees.

And now the scene shifts to the University of Buffalo. At Buffalo Fiedler *was* busted. His subversive cause was marijuana. He became legal advisor to a student branch of the organization LEMAR, devoted to legalizing the consumption of marijuana. He began to get anonymous phone calls. His house was placed under surveillance. Marijuana was apparently planted in the house (some of these details are vague). The police descended, and a celebrated case, still going on, began.

The case brought persecution in the form of threats, loss of credit privileges, loss of insurance, and very nearly the loss of his house. At last the moment he had anticipated on a soapbox in Newark had arrived, and with predictable tenacity he closed with it and fought his detractors with the best weapon at his disposal: words.

If our senses had not already been dulled by a variety of recent trials – especially the Spock trial in Boston and the trial of the Chicago Seven – the words of Fiedler would be even scarier than they are, which is scary enough. What interested me in his book, more than the details of his being busted, and the implications for all of us of the experience to which he has been subjected, was his massive cool. I don't know how cool he was *really* in the face of the recent indignities, but with pen in hand he displays enormous detachment from his own problems, a detachment rather modelled after Henry Adams. The book might better be called *The Education of Leslie Fiedler*, with the chief lesson being learned that the spoken word *is* dangerous after all. Fiedler has tested, harder than anybody I know, his proposition that the teacher "has a single overwhelming responsibility: *the responsibility to be free, which is to say, to be what most men would call irresponsible.*" He has tested it and found out, among other things, that people do think him irresponsible and treat him accordingly.

Anyone who has ever had dealings with Fiedler knows that this "irresponsibility" hurts. Fiedler is a modern master of annoyance. He describes his effect correctly when he reports on one occasion that he was "embarrased at having betrayed someone else, a fellow human being after all, to write indecencies that can be only answered in kind." Even when he is trying to be nice, it doesn't come out that way, as this description of Holland should indicate: "The truth is I came to love Holland despite its claustrophobic dimensions and the ridiculous fat slum solemnity of its citizens, and its strange addiction to the tulip, most unattractive of all flowers; and I should have felt cheated had I been deprived of it utterly. Its people proved unexpectedly ugly, like the background figures in a Breughel, but

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unredeemed by the benediction of his wit. Yet I was charmed by . . ." dear old lovable Holland.

He treated Montana similarly, while he was there, by writing a piece for the *Partisan Review* in which, as I recall, he described all Montanans as "cow-faced."

So the man gave up running after Newark, and he has been making enemies and saying what *sometimes* needs to be said, ever since. For the last couple of years, as a result, he has literally been fighting for his professional and economic life. He has many detractors, many defenders. The president of the University of Buffalo has stood by him, though he once observed to Fiedler's face that "the one thing I hope is that you have no intention of becoming a martyr." Now the case seems headed for the ethereal atmosphere of superior courts, and at least momentarily the battlefield is cleared. His next door neighbor even spoke to him recently – the first time in two years.

Kauffmann, *from page 20*

banal as its structure. What is the homosexual's secret? Loneliness, says Crowley. Some news. (It is also the one heterosexual's secret.)

To this ordinary but straightforward material, the film adds William Friedkin's gaudy direction, which makes the original play heave and strain like a plow-horse being asked to do tricks. For instance, a man makes a call in a street phone-booth. When he comes out, the camera views his exit from behind a wooden barricade, around an excavation, with a flashing yellow light on it. The light is large in the fore-

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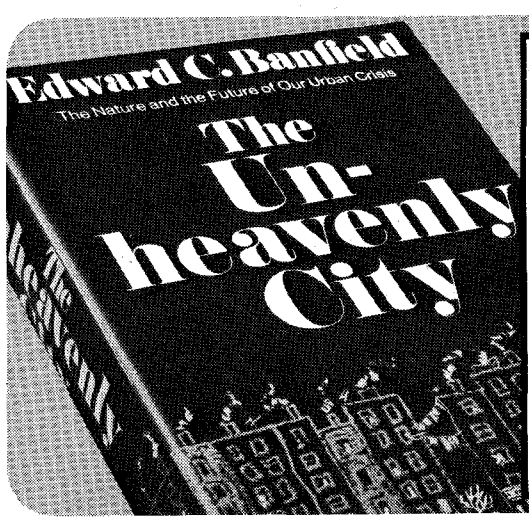

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LITTLE, BROWN

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ground. Why? So that you'll notice W. Friedkin's cleverness, that's why.

The story is about a birthday party given by one homosexual for another, with homosexual guests, into which a "straight" friend of the host accidentally barges and acts as catalyst for revelations. The original New York cast is in the film; thus most performances range from adequate to uncomfortable and two of them are exceptionally good: Leonard Frey, as the ugly, self-dramatizing guest of honor, and Kenneth Nelson as the host. The language of the play has been left uncensored, as far as I can remember, which means that some new words are added to the screen's rapidly expanding vocabulary.

Notes on Contributors

Alexander M. Bickel's *most recent book is* The Supreme Court and the Idea of Progress *(Harper & Row).* Ernest Kroll, *author of several volumes of verse, works for the State Department.* Charles Thomas Samuels, *of Williams College, is the editor of* A Casebook on Film *(Van Nostrand Reinhold).* Lewis Turco's *fourth book of poetry,* The Inhabitant, *will be published by Despa Press.*

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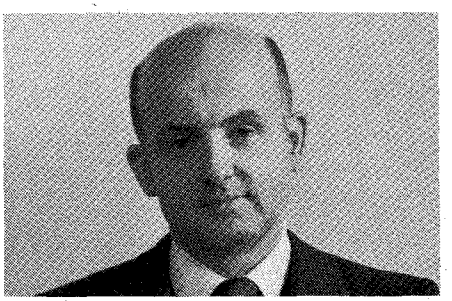

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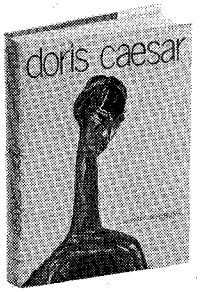

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- Chlorine, the purifying agent which makes tap water smell like swimming pool water.

Experts say these contaminants are harmless to human beings, even if they do affect the quality of your water.

If your water would taste a lot better (and be *safer* than "safe") without these contaminants, why aren't they filtered out? The reason: filtration is expensive, and 90% of all water is used for industrial and municipal purposes. For these users, water doesn't have to taste good. It only has to be cheap.

So it's a compromise. For you, the water is as safe as it *has* to be. For the big volume users, it's as cheap as it *can* be.

This means if you want really good, clear, spring-fresh water, you have to provide it yourself.

You can have unlimited spring-fresh water...

. . . thanks to the *Sierra Water Purifier*. This new device filters out *all* the contaminants listed above, gives you *unlimited* amounts of clear, delicious water—right from your tap—for pennies a day. The alternatives: bottled water, which is inconvenient, more expensive and gives you a limited supply of water that is no better than what you get from the *Sierra Water Purifier*. Or, you can install a reverse-osmosis system, which is more sophisticated and far more expensive than the *Sierra Purifier*.

For most households, the *Sierra Water Purifier* is the best solution. Installed at the point of use, under your kitchen sink, it will give you taste-free, odor-free, spring-fresh water for drinking or cooking. And it will last for decades. In fact, the *Sierra Water Purifier* is unconditionally guaranteed for 20 years!

Key to the *Sierra Purifier* is its replaceable activated charcoal filter cartridge. Every three months, you simply take out the old cartridge and drop in a new one (so quick and easy that a 10-year-old child can do it, without tools, in a minute or two).

60-day trial period... free filter cartridge

Best news of all is the cost. The *Sierra Water Purifier* is just $39.95 (plus shipping). With each unit, you'll receive one filter cartridge absolutely *free* (retail price is $6.95).

If you're not entirely satisfied, you may return it within 60 days and receive a full refund—no questions asked. And if you have already installed the unit, we'll send you an additional $10 to help cover your installation and removal costs.

Replacement cartridges mailed to you automatically

You'll never have to remind yourself to send away for a new filter cartridge. Every three months—until you tell us to stop—you'll automatically receive a new cartridge by mail, with a bill for $6.95 (plus shipping).

To order, clip and mail this coupon

To order your *Sierra Water Purifier*, just fill in, clip and mail the coupon below. Send payment with your order, or charge it to any of your credit card accounts listed on the coupon.

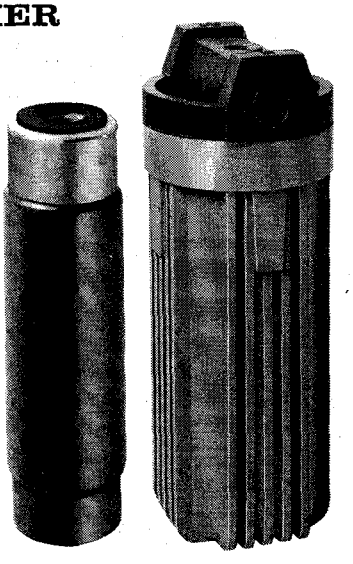
20-year guarantee

If, within 20 years of the purchase date, the connection head and/or filter housing cease to function properly due to defects in workmanship or deterioration of the materials or corrosion, we'll replace them *free*—and reimburse you for removal and installation costs.

SIERRA WATER PURIFIER AND #C-9 FILTER CARTRIDGE

The *Sierra Water Purifier* (far right) consists of two sections, constructed for optimum durability and corrosion resistance: (1) a high density plastic connection head with pressure-relief valve, and (2) a reinforced Superflexon® plastic filter housing. The unit is 12-5/16" high and 5-3/16" in diameter, and is designed for point-of-use installation (either on the pipe under a kitchen sink leading to the cold water faucet, or on the cold water line in the basement beneath the sink). The #C-9 replacement filter cartridge (near right), with "directed flow" and hydraulic piston-action features, contains both a pre-filter and an activated charcoal filter.

Caution: This unit should not be used to filter hot water, and should not be used to purify an entire household water supply (two or three units *can* accomplish that).



ECOLOGICAL ENGINEERING COMPANY
Dept. SWP, P. O. Box 5902
Clinton, Iowa 52732

Please send me the *Sierra Water Purifier*—and the *free* filter cartridge—on a 60-day trial basis. I understand that if I am not satisfied, I may return the unit and receive a full refund (plus $10, if I have already installed the unit).

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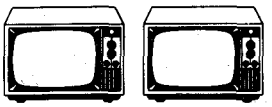
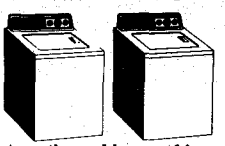
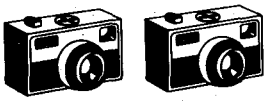


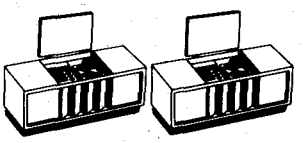
A color TV set priced at $359.95 . . .
OR
another unit priced at $429.95?



An automatic washing machine priced at an average of $206.18 . . .
OR
another model priced at an average of $254.98?



An instant-load autoexposure camera priced at $69.95 . . .
OR
another model priced at $119.50?



A radio-phono console priced at $379.95 . . .
OR
another console priced at $499.95?

THE ANSWERS to the questions above show how easily you and your family can lose money each year in your search for quality. The fact is that you, like so many others, may be buying virtually "blindfolded." For example:

On the basis of impartial laboratory tests, the color TV set priced at $359.95 was judged better in overall quality than the model priced at $429.95. (Possible saving: up to $70.00)

The washing machine priced at an average of $254.98 was judged inferior in washing ability to the model priced at an average of $206.18. (Possible saving: up to $48.80)

The instant-load autoexposure camera priced at $69.95 was top rated over similar models priced as high as $119.50. (Possible saving: up to $49.55)

The radio-phono console priced at $379.95 was judged better in overall quality than the console priced at $499.95 and was rated a "Best Buy." (Possible saving: up to $120.00)

These "hidden" values and savings were revealed in recent issues of *Consumer Reports*. Hundreds of products like these are rated in the latest 448-page issue of the famous *Consumer Reports Buying Guide*. A copy is yours as a gift with a one year subscription to *Consumer Reports*.

How these impartial tests are made

Consumer Reports is published monthly by Consumers Union, a nonprofit, public-service organization. CU has *absolutely no connection* with any manufacturer and prohibits the use of its findings for promotional purposes. It accepts no advertising, no "gifts" or "loans" of products for testing, no contributions from any commercial interest; it derives its income from the sale of its publications to over 1,500,000 subscribers and newsstand buyers all over the U.S.

Consumers Union's own shoppers buy, on the open market, random samples of automobiles, clothing, foods, household appliances and supplies, photographic and sports equipment, cosmetics, hi-fi components, and most other kinds of products you may be thinking of buying. These are tested comparatively by chemists and engineers. Each regular monthly issue of *Consumer Reports* brings you the latest findings, with ratings by brand name and model number as "Best Buy," "Acceptable" or "Not Acceptable."

Facts you need for your family's welfare

In addition, *Consumer Reports* brings you a wide range of authoritative—sometimes startling—articles. You regularly receive candid, down-to-earth discussions of deceptive packaging practices (with examples cited by name), advertising claims, credit buying and the actual cost of credit . . . honest reports on vitamins and other drugs . . . revealing facts about new, highly promoted gadgets that are often a waste of money.

"Hidden" values and savings discovered for you

Here are a few more examples of the "hidden" values and savings discovered in the CU laboratories:

. . . a portable circular saw priced at $24.95 was judged better in overall quality than another model priced at $49.95. (Possible saving: up to $25.00)

. . . a coffee urn priced at $13.95 was top-rated over other models priced anywhere up to $45.95 and was judged a "Best Buy." (Possible saving: up to $32.00)

. . . a stereo amplifier kit priced at $64.95 was judged better in overall quality than a unit priced at $99.95 and was rated a "Best Buy." (Possible saving: up to $35.00)

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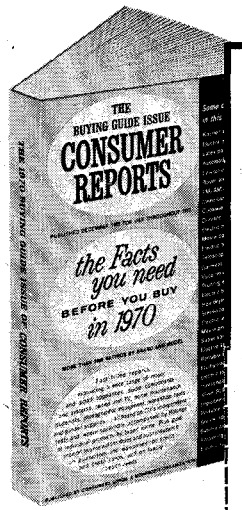

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